

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES ARTHUR BIGGINS,  
Plaintiff,

vs.

Gouverneur Ruth Ann Minner, et al.,  
Defendants.

Civil Action No. 08-04-GMS

To The Honorable Gregory M. Sleet  
U.S. District Court, Judges Chambers  
Lockbox 19, 844 North King Street  
Wilmington, Delaware 19801

Date: February 18th, 2008

Re: Immediate Injunctive Relief

FILED  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2008 FEB 21 PM 3:46

Your Honor,

In lieu of my motion for immediate injunctive relief, I ask respectfully that you except this letter as my response to the named defendants failure to meet the Court's Order requiring them to file the responses of my motion independently, specifically addressing my chronic care medication issue, by or before February 19th, 2008. In addition to providing therewith independent copies of my pertinent medical records.

Having each been correctly served with the Court's Order, all have failed to respond as has been requested, demonstrates the defendant's continual refusal to adhere to rules, policies, regulations, statutes, and laws that governs their actions and conduct. Conscience the plaintiff's hardship is a continual phase. And the moving-parties actions are not going to cease without this court's intervention. The plaintiff's suffering is outweighing any potential harm that could be caused on the defendants.

In Closing, without this Court's immediate action, the plaintiff will continue to suffer unnecessarily. This grant of relief will serve the public interest because it is always in the public interest for prison officials to obey the law. Duran v. Anaya, 642 F.Supp. 510, 527 (D.N.M. 1986) (Respect for law, particularly by officials responsible for the administration of the state's correctional system, is in itself a matter of the highest public interest). See also Llewellyn v. Oakland County Prosecutor's Office, 402 F.Supp. 1379, 1393 (E.D. Mich 1975) (The constitution is the ultimate expression of the public interest).

James Arthur Biggins

### Certificate of Service

I, James Arthur Biggins, the plaintiff herein declare under penalty of perjury that I've forwarded true copies of this letter/motion, to be served on the following parties:

To: Joseph F. Biden III (Att. Gen.)  
 Delaware Department of Justice  
 820 North French Street, 6th Floor  
 Wilmington, Delaware 19801

To: Ronald Moore (CMS Regional Administrator)  
 Delaware Correctional Center's Infirmary  
 1181 Paddock Road, P.O. Box 500  
 Smyrna, Delaware 19977

By Placing SAME in sealed envelopes and depositing same in the U.S. Mail at the Delaware Correctional Center, Smyrna DE 19977.

Date: February 19, 2008

James Arthur Biggins  
 James Arthur Biggins #319764  
 Delaware Correctional Center  
 1181 Paddock Road, P.O. Box 500  
 Smyrna, Delaware 19977

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES ARTHUR BIGGINS, )  
 )  
Plaintiff, )  
 )  
v. ) Civil Action No. 08-04-GMS  
 )  
GOVERNOR RUTH ANN MINNER, )  
et al., )  
 )  
Defendants. )

**ORDER**

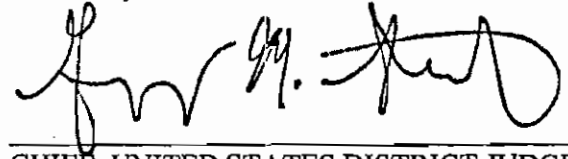
WHEREAS, the plaintiff, James Arthur Biggins, a prisoner housed at the Delaware Correctional Center, Smyrna, Delaware, filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983;

WHEREAS, concurrent with the filing of the lawsuit, and also on February 7, 2008, the plaintiff filed a motion for a temporary restraining order with declaration and a letter/motion which the court construes as a motion for immediate injunctive relief for medical care, specifically a need for chronic care medication (D.I. 3, 4, 10);

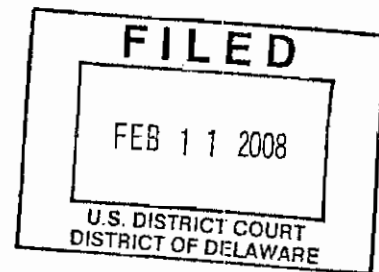
THEREFORE, at Wilmington this 11<sup>th</sup> day of February, 2008, IT IS ORDERED that:

1. The defendants, Correctional Medical Services, Deputy Warden David Pierce, and James Welsh shall, on or before February 19, 2008, file a response to the plaintiff's motion and letter/motion, and specifically address the chronic care medication issue.
2. The responding defendants shall also provide copies of the plaintiff's pertinent medical records with their response.
3. The clerk of the court is directed to serve a copy of the plaintiff's pending motions

(D.I. 3, 4, 10) upon the responding defendants Correctional Medical Services, Deputy Warden David Pierce, and James Welsh, as well as the Attorney General of the State of Delaware.



CHIEF, UNITED STATES DISTRICT JUDGE

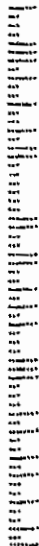


IM James Arthur Higgins  
SBI# #319914 UNIT #22A-U-4  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

*Aug*

Clk. The Clerk of the Court  
U.S. District Court  
Lockbox 16, 844 North King Street  
Wilmington, Delaware  
19801

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WILMINGTON, DE 19801

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